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03 UNITED STATES DISTRICT COURT  
04 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

05 JOSEPH McDANIELS, et al., ) CASE NO. C09-1296-JCC-MAT  
06 )  
06 Plaintiffs, )  
07 )  
07 v. ) ORDER ON PLAINTIFF'S MOTION  
07 ) FOR RECORDING A DEPOSITION  
08 DAVID SHERMAN, ) AND FOR SANCTIONS  
08 )  
09 Defendant. )  
09 )  
10 \_\_\_\_\_ )

11 Joseph McDaniels, one of three pro se plaintiffs in this matter, moves for an order  
12 permitting him to tape-record defendant David Sherman's deposition, and for sanctions against  
13 defendant for failure to appear on a particular date. (Dkt. 28.) Defendant responds that he has  
14 no opposition to a tape-recorded deposition at a mutually agreeable time and place and has  
15 stated this position several times. (Dkt. 29; Dkt. 29-2.) Having reviewed the papers, the  
16 Court STRIKES as moot Mr. McDaniels' motion for recording the deposition and DENIES Mr.  
17 McDaniels' motion for sanctions.

18 DATED this 13th day of January, 2010.

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21 Mary Alice Theiler  
22 United States Magistrate Judge